

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

KEITH BEHSMAN, ET AL.,
Defendants,

)
)
)
) **CRIMINAL ACTION**
) **NO. 04-1809-CBS**
)
)
)

ORDER OF DETENTION
July 14, 2004

SWARTWOOD, M.J.

I. Nature of the Offense and the Government's Motion

On June 29, 2004, a Criminal Complaint was filed, charging Keith Behsman ("Mr. Behsman") and others, with conspiracy to distribute oxycodone, in violation of 21 U.S.C. §846 and possession with intent to distribute oxycodone, in violation of 21 U.S.C. §841(a)(1).

At Mr. Behsman's initial appearance on June 30, 2004, he was advised of his right to a preliminary examination in accordance with Fed. R. Crim. P. 5.1 and the Government moved for a detention hearing in accordance with 18 U.S.C. §§3142(f)(1)(C) (Mr. Behsman is charged with an offense for which a maximum term of imprisonment of ten years or more is prescribed in the "Controlled Substances

Act"), and (f)(2)(A)(risk of flight). Mr. Behsman case was then continued to July 13, 2004, for the purpose of a probable cause/detention hearing.

On July 13, 2004, Mr. Behsman waived his right to a probable cause hearing and assented to an Order of Detention, but reserved his right to a detention hearing in the future.

II. Order of Detention Pending Trial

In accordance with the foregoing memorandum,
IT IS ORDERED:

1. That Mr. Behsman be committed to the custody of the Attorney General or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That Mr. Behsman be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which Mr. Behsman is detained and confined shall deliver them to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145 (b) .

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE